

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

A. Martin Lerner

Group Art Unit: 1617

Examiner: Russell Travers

Serial No.: 10/060,159

Filed: January 30, 2002

For: METHOD FOR DIAGNOSING AND ALLEVIATING THE SYMPTOMS OF  
CHRONIC FATIGUE SYNDROME

Attorney Docket No.: LMA 0113 PUS1

**INFORMATION DISCLOSURE STATEMENT AND  
CERTIFICATION UNDER 37 C.F.R. § 1.97(d) AND (e)**

Mail Stop Issue Fee  
Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and § 1.97-1.98, the references listed and identified on the attached Form PTO/SB08B are being submitted herewith for consideration by the Examiner. This Statement is being filed in accordance with 37 C.F.R. § 1.97(d), i.e., either after the mailing date of a final rejection, or a notice of allowance, but before payment of the issue fee. The undersigned certifies that each item of information contained in this Information Disclosure Statement was not cited in a communication from a foreign patent office in a counterpart application, and, to the knowledge

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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Sangeeta G. Shah  
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Signature

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of the person signing this statement, was not known to any individual designated in § 1.56 more than three months prior to the filing of this Statement, or was first cited in any communication from a foreign patent office in a counterpart foreign application (copy of communication enclosed) not more than three months prior to the filing of this Statement.

The fee of \$180 pursuant to the provisions of 37 C.F.R. § 1.17(p) is enclosed. Please charge any additional fee or credit any overpayment in connection with this filing to our Deposit Account No. 02-3978. A duplicate of this notice is enclosed for this purpose.

A copy of each reference listed on the attached Form PTO/SB08B is included herewith. Consideration and entry into the record of these references is respectfully requested.

Respectfully submitted,

**A. Martin Lerner**

By: 

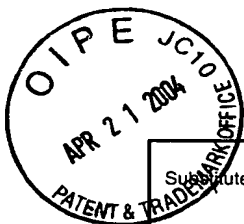
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Substitute for Form 1449B/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

### Complete if Known

Application Number	10/060,159
Filing Date	January 30, 2002
First Named Inventor	A. Martin Lerner
Group Art Unit	1617
Examiner Name	Unknown
Attorney Docket Number	LMA 0113 PUS1

Sheet

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of

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### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		A. Martin Lerner, Robert G. Deeter, William O'Neill, Howard J. Dworkin, Marcus Zervos, Safedin H. Beqaj, Chung-Ho Chang, and James T. Fitzgerald; HANDBOOK OF CHRONIC FATIGUE SYNDROME, Chapter 15 entitled "Cardiac and Viologic Issues," John Wiley & Sons, Inc., Hoboken, NJ (2003), pp. 304-330.	
		Lerner, A. Martin; Beqaj, Safedin H.; Fitzgerald, James T.; and Deeter, Robert G.; IgM Serum Antibodies to Epstein-Barr Virus are Uniquely Present in a Subset of Patients with the Chronic Fatigue Syndrome, <u>in vivo</u> 18: 101-106 (2004).	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.